

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JACKIE FITZGERALD,)	Case No. 8:04CV188
)	(MDL 1597)
Plaintiff,)	
)	
v.)	ORDER OF DISMISSAL
)	
UNION PACIFIC RAILROAD COMPANY and)	
THE BOARD OF TRUSTEES OF UNION)	
PACIFIC RAILROAD EMPLOYEES)	
HEALTH SYSTEMS,)	
)	
Defendants.)	

This matter is before the Court on the parties' Stipulation for Dismissal with Prejudice (Filing No. 102). I find that the stipulation complies with Fed. R. Civ. P. 41(a)(1)(ii), and therefore, the stipulation should be approved and the First Amended Complaint should be dismissed. Accordingly,

IT IS ORDERED:

1. The Stipulation for Dismissal with Prejudice (Filing No. 102) is approved and the relief requested therein shall be granted;
2. The First Amended Complaint in Jackie Fitzgerald v. Union Pacific Railroad Company and The Board of Trustees of Union Pacific Railroad Employees Health Systems, originally filed as Civil Action No. 03-283-KI in the District of Oregon, subsequently filed in this Court as Civil Action No. 8:04CV188 (Filing No. 22), and consolidated for disposition of common issues with Case No. 8:03CV437 on July 30, 2004 (Filing No. 111), is dismissed with prejudice; and
3. The Court retains jurisdiction to enforce the terms of the parties' settlement agreement in the event of a dispute for up to one year following the date of the parties' stipulation.

Dated this 2nd day of November, 2005.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge